

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

FILED

DEC 13 2005

In re: ENGINEERED DEVELOPMENT
CONCEPTS, INC.,

Debtor,

ETHAN ION DANFER, fka George W.
Anderson,III,

Appellant,

v.

DAVID A. BIRDSELL; et al.,

Appellees,

MAUREEN GAUGHAN,

Trustee - Appellee,

and

ENGINEERED DEVELOPMENT
CONCEPTS, INC.,

Debtor.

No. 04-15847

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. Nos. CV-03-01026-JAT
99-699

MEMORANDUM^{*}

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted December 5, 2005**

Before: GOODWIN, TASHIMA, and FISHER, Circuit Judges.

Ethan Ion Danfer appeals pro se the district court's order affirming the bankruptcy court's orders dismissing his third-party complaint and granting default judgment in favor of the Trustee. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo issues regarding a bankruptcy court's jurisdiction. *See Mantz v. Ca. Bd. Of Equalization (In re Mantz)*, 343 F.3d 1207, 1211 (9th Cir. 2003). We review for abuse of discretion the bankruptcy court's ruling on a motion to set aside default judgment. *Al-Torki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996). We affirm.

The district court properly held that the bankruptcy court had jurisdiction to rule on preliminary matters relating to the third-party complaint Danfer initially filed in the bankruptcy court. *See In re Aquaslide 'N' Dive Corp.*, 85 B.R. 545, 549 (B.A.P. 9th Cir. 1987) (holding that a bankruptcy court has power to disallow legally deficient claims, even if they allege personal injury).

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court properly held that the bankruptcy court did not violate Danfer's constitutional rights by entering a default judgment against him because Danfer had been given multiple opportunities and warnings to cure the default. Further, Danfer did not attend the scheduled hearing nor did he file a response to the defendants' motions to dismiss, as specifically ordered by the bankruptcy court in its April 15, 2003 order. *See Al-Torki*, 78 F.3d at 1385.

The district court properly held that the bankruptcy court did not abuse its discretion by granting the Trustee an extension of time to perfect service on Danfer. *See Sheehan v. Sheehan (In re Sheehan)*, 253 F.3d 507, 512 (9th Cir. 2001) (bankruptcy court's grant of an extension of time to perfect service reviewed for abuse of discretion).

Danfer's remaining contentions lack merit.

AFFIRMED.